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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12 U.S. EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 vs.

16 TESLA, INC.,

17 Defendant.

Case No. 3:23-cv-04984-JSC

**DECLARATION OF THOMAS E. HILL IN  
SUPPORT OF DEFENDANT TESLA, INC.'S  
MOTION TO STAY ALL PROCEEDINGS IN  
LIGHT OF LONG-RUNNING, CURRENTLY  
PENDING AND VIRTUALLY IDENTICAL  
STATE COURT LITIGATION**

Hearing Date: February 1, 2024  
Time: 10:00 AM  
Judge: Hon. Jacqueline Scott Corey  
Courtroom: 8

Complaint Filed: September 28, 2023

*[Defendant's Notice of Motion and Motion;  
Declarations of Sara A. Begley, Tiffany Hart,  
and Jessica Quon-Vaili; Request for Judicial  
Notice; Exhibits in Support of Motion; and  
Proposed Order, All Filed Concurrently  
Herewith]*

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**DECLARATION OF THOMAS E. HILL**

I, Thomas E. Hill, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts in the State of California, and I am a partner with Holland & Knight LLP, counsel of record for Defendant Tesla, Inc. (“Tesla” or “Defendant”) in the above-captioned action. I have personal knowledge of the facts set forth herein, and, if called upon to do so, I could and would competently testify regarding those facts. I make this declaration in support of Defendant’s motion to stay all proceedings in this matter.

2. Holland & Knight LLP is also counsel of record for Tesla in two California state court cases now pending before the Honorable Evelio M. Grillo, Alameda County Superior Court Judge. Those state court cases are (a) *Department of Fair Employment and Housing v. Tesla, Inc.*, Alameda County Superior Court Case No. 22CV006830 (the “CRD Case”), and (b) *Vaughn, et al. v. Tesla, Inc., et al.*, Alameda County Superior Court Case No. RG17882082 (the “Vaughn Case,” and, together with the CRD Case, collectively referred to as the “State Court Actions”). I am one of Tesla’s attorneys of record in the State Court Actions.

3. The Vaughn Case was filed on November 13, 2017, and the CRD Case was filed on February 2, 2022, and each case has and continues to be vigorously litigated before Judge Grillo. To date, the litigation in the State Court Actions has involved 57 procedural and substantive motions and 68 court orders, voluminous discovery, including 63 depositions (with more scheduled) and more than 83,000 pages of exchanged documents, and 57 case management conferences, informal discovery conferences and other court hearings. In addition, multiple appellate proceedings have taken place in the Vaughn Case, and the California Civil Rights Department has also sought appellate relief in the CRD Case.

4. Plaintiffs in the Vaughn Case have moved to certify a class of more than 6,000 current and former Black workers at Tesla. In opposing that motion for class certification, Tesla has submitted the sworn statements of more than 200 Black Tesla employees who deny ever experiencing a racially hostile work environment or other forms of race discrimination at Tesla’s auto manufacturing plant in Fremont, California (the “Fremont Factory”). The class certification motion in the Vaughn Case is still pending before Judge Grillo.

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5. In 2016, the race discrimination and harassment complaint of a former Fremont Factory worker named DeWitt Lambert was arbitrated before retired California Superior Court Judge Lynn Duryee. Judge Duryee ruled that Lambert did not suffer harassment or a hostile work environment, that Tesla did not retaliate against him, and that Tesla's response to Lambert's complaint was reasonable, effective and appropriate.

6. A true and correct copy of the court docket to date in the Vaughn Case is attached as **Exhibit A** to Defendant's Exhibits in Support of Motion to Stay All Proceedings (the "Exhibits"), filed concurrently herewith.

7. A true and correct copy of the court docket to date in the CRD Case is attached as **Exhibit B** to the Exhibits.

8. A true and correct copy of the operative Second Amended Complaint in the Vaughn Case is attached as **Exhibit C** to the Exhibits.

9. A true and correct copy of the operative First Amended Complaint in the CRD Case is attached as **Exhibit D** to the Exhibits.

10. True and correct copies of the Worksharing Agreements between the EEOC and CRD, as obtained from CRD's official website, are attached as **Exhibit H** to the Exhibits.

11. A true and correct copy of the Transcript of Proceedings (Dec. 13, 2021) obtained from the court file in *U.S. EEOC v. Activision Blizzard, Inc., et al.*, United States District Court (C.D. Cal.) Case No. 2:21-CV-07682 DSF-JEM (the "Activision Case") is attached as **Exhibit I** to the Exhibits.

12. A true and correct copy of Tesla's petition to confirm the arbitration award in *Tesla, Inc. v. DeWitt Lambert*, Alameda County Superior Court Case No. RG17854515, filed on May 2, 2019, is attached as **Exhibit O** to the Exhibits. Attached to the petition is the final arbitration award captioned "DeWitt Lambert v. Tesla, Inc.," JAMS Reference No. 1100088312, dated May 7, 2019, signed by the arbitrator.

13. A true and correct copy of the Court's Order on Submitted Matter in the CRD Case, dated November 18, 2022, is attached as **Exhibit P** to the Exhibits.

Thomas E. Hill